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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,775	01/27/2004	Michael Husayn Kalantar	AUS920030619US1	2457
35525	7590	02/25/2008		
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER DAILEY, THOMAS J	
			ART UNIT 2152	PAPER NUMBER
			NOTIFICATION DATE 02/25/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

Office Action Summary

Application No.

10/765,775

Applicant(s)

KALANTAR ET AL.

Examiner

THOMAS J. DAILEY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-15,17-27 and 29-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-15,17-27 and 29-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 37-39 were added by the amendment filed on November 6, 2007.
2. Claims 4, 16, and 28 were cancelled by the amendment.
3. Claims 1-3, 5-15, 17-27, and 29-39 are pending.

Response to Arguments

4. Applicant's submitted amendment has overcome the U.S.C. 101 and 112 rejections presented in the previous action, and those rejections have been withdrawn.
5. Applicant's arguments with respect to the prior art rejection of the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
7. Claims 1-3, 5-15, 17-27, and 29-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Du et al (US Pat. 6,308,163), hereafter "Du," In view of what was well known in the art at the time of the invention.

8. As to claim 1, Du discloses a method for logically provisioning resources in a data processing system, said method comprising the steps of:

receiving a request for a set of resources in a plurality of resources in a provisioning environment (column 9, lines 23-34, and Fig. 8), wherein each resource in said set of resources is one of a plurality of different types of resources, wherein said plurality of different types of resources comprises hardware elements and software elements (column 11, lines 38-52, and Fig. 8);

selecting a particular instance of a resource in said set of resources of said plurality of resources from a group of unassigned available resources of said plurality of different types of resources (column 10, lines 1-10, an available resource is selected from a group of resources);

indicating the status of said selected particular instance, wherein said selected particular instance is unavailable for selection (column 7, lines 29-36);
and

logically provisioning said selected particular instance to fulfill the request by establishing logical relationships between said selected particular instance and other resources (column 12, lines 46-63).

But, Du does not explicitly disclose indicating that said selected particular instance is in the process of being reserved, wherein said selected particular instance is unavailable for selection after indicating the particular instance is

being reserved. Du teaching however is functionally the same due to the fact that when Du's resources are being reserved they will be unavailable for selection; Du just does not explicitly disclose indicating that a resource is "in the process of being reserved."

However, Official Notice (see MPEP ' 2144.03 Reliance on "Well Known" Prior Art) is taken that was well known in the art to indicate a resource was in the process of being reserved and it would have been an obvious modification of Du to one of ordinary skill in the art at the time of the invention in order to give more specific status indicators to resources so as to give any users or programs more information when interacting with Du's system.

9. As to claims 13 and 25, they are rejected by the same rationale set forth in claim 1's rejection.

10. As to claims 2, 14, and 26, Du discloses identifying other ones of said plurality of resources that said selected particular instance requires for use (column 12, line 46-column 13, line 6, and Fig. 9).

11. As to claims 3, 15, and 27, Du discloses:

selecting a particular instance for each of said other ones from a group of unassigned available resources (column 10, lines 1-10) of said plurality of

different types of resources that said selected particular instance requires for use (column 12, line 46-column 13, line 6, and Fig. 9); and

logically provisioning said selected particular instance for each of said other ones to fulfill a request by establishing logical relationships between each of said other ones (column 12, line 46-column 13, line 6, and Fig. 9).

12. As to claims 5, 17, and 29, Du discloses said group of unassigned available resources including no preassigned logical associations with any other one of said plurality of resources (column 10, lines 1-10)

13. As to claims 6, 18, and 30, Du discloses:

associating a state variable with each one of said plurality of resources (column 10, lines 1-10);

indicating whether each one of said plurality of resources is available to be selected utilizing said state variable (column 10, lines 1-10).

14. As to claims 7, 19, and 31, Du discloses:

associating a state variable with each one of said plurality of resources (column 11, lines 40-52 and Fig. 8);

indicating whether each one of said plurality of resources is shared utilizing said state variable (column 11, lines 40-52 and Fig. 8, state variable indicates

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what hierarchical group a resource belongs to, i.e. does it share a common parent with other resources).

15. As to claims 8, 20, and 32, Du discloses:

associating a state variable with each one of said plurality of resources, wherein the state variable indicates whether the each one of said plurality of resources is available or reserved (column 7, lines 29-36);

responsive to logically provisioning said selected particular instance to fulfill the request, indicating whether each one of said plurality of resources is reserved utilizing said state variable, wherein a reserved resource has an established logical relationship with said provisioning environment (column 7, lines 29-36).

But, Du does not explicitly disclose indicating that said selected particular instance is in the process of being reserved, wherein said selected particular instance is unavailable for selection after indicating the particular instance is being reserved. Du teaching however is functionally the same due to the fact that when Du's resources are being reserved they will be unavailable for selection; Du just does not explicitly disclose a state variable indicating that a resource is in the process of "being reserved."

However, Official Notice (see MPEP ' 2144.03 Reliance on "Well Known" Prior Art) is taken that was well known in the art to indicate a resource was in the

process of being reserved and it would have been an obvious modification of Du to one of ordinary skill in the art at the time of the invention in order to give more specific status indicators to resources so as to give any users or programs more information when interacting with Du's system.

16. As to claims 9, 21, and 33, Du discloses:

creating a topology for said provisioning environment, said topology including a layout of said plurality of different types of resources (Figs. 8 and 9); and said layout defining relationships among said plurality of different types of resources (Figs. 8 and 9).

17. As to claims 10, 22, and 34, Du discloses utilizing said relationships defined by said layout to identify other ones of said plurality of resources that said selected particular instance requires for use (column 12, line 46-column 13, line 6, and Fig. 9).

18. As to claims 11, 23, and 35, Du discloses determining other ones of said plurality of resources that are to be associated with said particular instance (column 12, line 46-column 13, line 6, and Fig. 9).

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19. As to claims 12, 24, and 36, Du discloses determining other ones of said plurality of resources that depend on said particular instance (column 12, line 46-column 13, line 6, and Fig. 9).

20. As to claims 37, 38, and 39, Du does not explicitly disclose the request comprises a list of previously reserved resources to be used to satisfy the request.

But, one of ordinary skill in art would view it as an obvious modification to include in Du's request a list of any resources that had been previously use to satisfy the request as it was a well known practice in the art and utilized to decrease the amount of time it takes to satisfy a request. Therefore, Official Notice (see MPEP ' 2144.03 Reliance on "Well Known" Prior Art) is taken that including a list of resources that were previously used to satisfy the same resource request (rather than submitting a generic request for resources) is a well known practice in the art.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

22. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. J. D./
Examiner, Art Unit 2152

A handwritten signature in black ink, appearing to read 'Bunjob Jaroenchonwanit', is written over a horizontal line.

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER